

that he was unprepared, at this time, to argue his case as he desired.

After a few moments, a quorum was announced as being present.

The respondent, Judge Chambers, then renewed his motion to adjourn, and asked that the court stand adjourned until tomorrow at 3 o'clock p. m. Carried by the following vote:

Yeas—Senators Bradley, Burton, Davenport, Ellis, Erath, Hobby, Ledbetter, Moore, Stirman, Trolinger, and Wood—11.

Nays—Senators Ball, Camp, Dillard, Dwyer, Ireland, Parker, Russell, Swift, and Westfall—9.

FORTY-FIRST DAY.

SENATE CHAMBER,
AUSTIN, March 4, 1874. {

Senate met pursuant to adjournment. Roll called; quorum present.

Prayer by the chaplain.

The reading of the journal of yesterday was dispensed with.

Senator Westfall stated that he had received a telegram from assistant secretary Lane, in which he stated illness as a cause for his non-appearance.

Senator Westfall, therefore, moved that he be excused until Friday. Granted.

A message was received from the House, announcing the passage by that body of Senate bill No. 156, "An act to authorize the Governor to sell certain bonds of the State, and to adjust and settle the indebtedness of the State with Williams & Guion.

Senator Wood presented a petition from citizens of the counties of Rusk and Henderson, praying for a new county out of the territory of said counties. Read and referred to Committee on Counties and County Boundaries.

Report from Committee on Federal Relations:

Hon. R. B. Hubbard, President of the Senate:

Your Committee on Federal Relations, to whom was referred Senate joint resolution, "authorizing and requiring the Adjutant General to make application to Gen. W. T. Sherman for an additional regiment of cavalry for frontier protection," have carefully considered the same, and instruct me to report the same back and recommend its passage.

MOORE, Chairman.

Report from Committee on Counties and County Boundaries:

Hon. R. B. Hubbard, President of the Senate:

Your Committee on Counties and County Boundaries, to whom was referred Senate bill No. 108, "An act to authorize the change of county seats," have carefully considered the same, and instruct me to re-

port it back, with the recommendation that it do not pass.

BRADLEY, for Committee.

Report from the Committee on Claims and Accounts:

Hon. R. B. Hubbard, President of the Senate:

Your Committee on Claims and Accounts, to whom was referred "the petition of J. C. Illingsworth," have carefully examined and considered the same, and being of opinion that this petition is in conflict with the Constitution, instruct me to report it back, with the recommendation that it do not pass.

W. H. SWIFT, Chairman.

Senator Wood introduced a bill, entitled "An act to provide for the opening and maintenance of the public roads and highways in this State." Read first time and referred to Judiciary Committee.

Senator Wood introduced a bill, entitled "An act supplemental to 'An act to provide for the incorporation of towns and cities,'" approved January 27, 1858. Read first time and referred to Judiciary Committee.

Senator Trolinger introduced a bill entitled "An act to amend 'An act to authorize the cancellation of patents in certain cases,'" approved February 3, 1854. Read first time and referred to Committee on Land Office.

Senator Davenport offered the following resolution:

Resolved, That the Committee on Contingent Expenses be and they are hereby instructed to audit the accounts for newspapers heretofore furnished Senators, and that hereafter only three copies of said papers be furnished to each Senator daily.

Laid over under the rules.

House bill No. 16, "An act to encourage stockraising and for the protection of stockraisers," was taken from the President's desk, read first time and referred to Judiciary Committee.

Senator Ireland introduced a bill entitled "An act to incorporate a Song Association, on York's creek, under the name and style of York's Creek Gesang Verein." Read first time and referred to Judiciary Committee. Senate bill No. 70, "An act for the relief of the several justices of the peace of the several counties in this State, making a list of the scholastic population of their respective counties, for the years A. D. 1872, and A. D. 1873," was read third time and passed.

Senator Dillard moved a suspension of the rules to take up Senate bill No. 100, "An act to reapportion the State of Texas into Congressional districts." Rules suspended, and bill taken up, and read second time.

Senator Dillard moved that the bill be read by sections. Adopted.

On motion of Senator Dillard, the first section was adopted.

On motion of Senator Dillard, the second section was adopted.

On motion of Senator Camp, the third section was adopted.

On motion of Senator Ball, the fourth section was adopted.

Senator Davenport offered the following amendment: Amend section six by striking out the words "Bell" and "Coryell" from seventh line of sixth section, and insert the same in sixth line of the fifth section after the word "Falls." Lost.

Senator Dillard offered the following amendment: Amend section five, line three, by inserting after the word "Walker," "Madison, San Jacinto." Adopted.

Senator Ireland moved to re-commit the bill to the same committee who first had it, or some other committee.

The hour having arrived for the consideration of special order, to-wit: Senate bill No. 77, "An act to authorize county courts to sell public lands belonging to their respective counties,"

Senator Ball moved that it be postponed until 12 m. Carried.

Senator Ball moved to refer the pending bill to a committee of the whole. Lost.

The question then recurred on the motion offered by Senator Ireland, to refer to a special committee. Lost by the following vote:

Yeas—Senators Ball, Baker, Bradley, Davenport, Dwyer, Ellis, Erath, Ireland, Randle, Russell, Westfall and Wood—12.

Nays—Senators Allison, Burton, Camp, Dillard, Flanagan, Friend, Hobby, Leebetter, Moore, Stirman, Swift and Trölinger—12.

Senator Davenport moved to amend the fifth section as follows: Amend by inserting "Bell" in sixth line of the fifth section. Adopted.

On motion of Senator Dillard, the fifth section, as amended, was then adopted.

Senator Westfall offered the following amendment to sixth section: Amend section six by adding "Hays, Blanco, San Saba, Llano, Mason, Menard, Concho and McCulloch." Adopted.

Senator Davenport moved to strike out the word "Bell," in said section. Adopted.

On motion of Senator Westfall, the sixth section was then adopted.

Senator Ball offered the following amendment to section seven: "Strike out Hays, Blanco, Concho, San Saba and Menard." Adopted.

On motion of Senator Dillard, the seventh section was then adopted.

On motion of Senator Westfall, the rules were suspended, bill read third time and passed.

On motion of Senator Westfall, the message of the Governor, sent in a day or two since, was taken up and read, to-wit:

EXECUTIVE OFFICE,

AUSTIN, March 2, 1874.

To the Honorable Senate of the State of Texas:
I respectfully ask your advice and consent to the following appointment, to-wit:

S. B. Buckley, of Travis county, to be State Geologist, vice John W. Glenn, resigned.

Respectfully,

RICHARD COKE, Governor.

EXECUTIVE OFFICE,

AUSTIN, March 2, 1874.

To the Honorable Senate of the State of Texas:
I respectfully ask your advice and consent to the following appointments, to-wit:

William A. Highsmith, to be notary public, Bastrop county.

H. J. Hunter, to be notary public, Anderson county.

Don A. Chamberlin, to be notary public, Bell county.

John Long, to be notary public, Bowie county.

G. D. Dally, to be notary public, Bowie county.

Silas McCrary, to be notary public, Bowie county.

J. W. Posey, to be notary public, Burnett county.

H. C. Everett, to be notary public, Colorado county.

Freinch Simpson, to be notary public, Colorado county.

M. Malsch, to be notary public, Colorado county.

J. F. Leyendecker, to be notary public, Colorado county.

George A. Strickland, to be notary public, Coryell county.

William Harris, to be notary public, Dallas county.

W. J. Stokes, to be notary public, Ellis county.

W. T. M. Dixon, to be notary public, Ellis county.

Wiley V. Collins, Sr., to be notary public, Gonzales county.

S. B. Brelsford, to be notary public, Gonzales county.

S. B. McBride, to be notary public, Hays county.

John P. Kone, to be notary public, Hays county.

Robert Kyle, to be notary public, Hays county.

E. P. Reynolds, to be notary public, Hays county.

J. L. Wallace, to be notary public, Hays county.

W. W. Haupt, to be notary public, Hays county.

Wm. L. Fork, to be notary public, Henderson county.

N. C. Howard, to be notary public, Hill county.

P. W. Huddleston, to be notary public, Lavaca county.

W. L. Sartwelle, to be notary public, Lavaca county.

John A. Harrington, to be notary public, Limestone county.

S. G. McLenden, to be notary public, Limestone county.

R. W. Davis, to be notary public, McLennan county.

W. R. Chew, to be notary public, Marion county.

Sam R. Frost, to be notary public, Navarro county.

John S. Lynch, to be notary public, Nueces county.

Geo. W. Woodman, to be notary public, Nueces county.

John P. Kilgore, to be notary public, Rusk county.

J. B. Harper, to be notary public, Rusk county.

Henderson Hillman, to be notary public, Rusk county.

Marshall W. Pierson, to be notary public, Rusk county.

L. D. Stephens, to be notary public, Rusk county.

T. J. Ross, to be notary public, Tarrant county.

C. E. Anderson, to be notary public, Travis county.

W. T. Robinson, to be notary public, Walker county.

J. A. Dickie, to be notary public, Walker county.

J. C. Dunlap, to be notary public, Walker county.

J. W. Wilson, to be notary public, Walker county.

C. A. Abererombie, to be notary public, Walker county.

J. W. Allen, to be notary public, Walker county.

J. W. Posey, to be notary public, Williamson county.

H. B. Sheppard, to be notary public, Williamson county.

D. V. Grant, to be notary public, Williamson county.

H. C. Ferguson, to be notary public, Wise county.

T. L. Stanfield, to be notary public, Wise county.

Respectfully, RICHARD COKE.

On motion of Senator Camp, the Senate went into executive session.

IN SENATE.

The Secretary of the Senate was instructed to inform his Excellency, the Governor, that the Senate does advise and consent to the appointment of S. B. Buckley, of Travis county, as State Geologist; also to the appointment of all the notaries nominated in his message above, except John Long, G. D. Dally and Silas McCrary, in Bowie

county; W. R. Chew, Marion county; J. W. Posey, Williamson county; and S. G. McLenden, Limestone county.

The hour for the consideration of the special order having arrived, to-wit: Senate bill No. 77, "An act to authorize county courts to sell public lands belonging to their respective counties," it was taken up and read second time.

(Senator Ireland in the chair.)

A message was received from the House, announcing the passage of Senate bill, No. 163, "An act to define the Tenth Judicial District of the State of Texas, and to provide the times for the holding of the courts therein, and to attach the county of Rockwall to the Fourteenth Judicial District."

Senator Wood offered the following amendment to Senate bill No. 77, the bill under consideration: Amend section nine, by adding to the end of said section, the following: Provided, the county court of the county to which said lands belong, may, if they see proper under such rules and regulations as such county court may prescribe, appropriate the interest arising from the sales of said land; for the purpose of establishing and maintaining in such county an academy or school of a higher order than a common school; which academy or school shall be open to the scholastic population of such county, under such rules and regulations as the county court shall establish."

Adopted by the following vote:

Yeas—Senators Allison, Ball, Baker, Camp, Davenport, Erath, Friend, Hobby, Ireland, Moore, Parker, Russel, Westfall and Wood—14.

Nays—Senators Bradley, Burton, Dillard, Dwyer, Ellis, Flanagan, Ledbetter, Randle, Stirman, Swift and Trolinger—11.

(Mr. President in the chair.)

Senator Baker offered the following amendment: Insert in section second, line second, after the word "lands," the words "sectionized into tracts of 640 acres, and the section lines shall be the centre of roads between the section, and." Lost.

Senator Bradley offered the following amendment: Amend section four, line three, by adding after the word "price," the words "not less than that." Adopted.

Senator Hobby offered the following amendment: Amend section three by adding the following proviso, "provided the free-holders selected to estimate the value of said land shall not be in any manner interested as purchasers of the same." Adopted.

Senator Ellis offered the following amendment: Amend section seven by striking out the words "general warranty," in fifth line. Adopted.

Senator Camp offered the following amendment: Amend by striking out all after the

word "made," in line two, to word "at" in third line of section four. Lost.

Senator Friend offered the following amendment: Amend section seven by striking out all after the word "and" in sixth line. Lost.

Senator Baker offered the following amendments: Section 13. That the county court shall have the right to designate and set apart, out of the school lands, for the purposes of a town or village, not to exceed 640 acres at any one place, and may lay the same off in convenient lots with necessary streets and alleys, and sell the same on the terms specifications and conditions provided in this act for the sale of lands; *provided*, that any person or persons who may have leased and made any improvements on any lot or lots shall have the preference in purchasing the same, and shall have six months from the day that the property is offered for sale to conclude the purchase at such valuation as shall be fixed on similar or adjoining property not improved.

Also, that section thirteen and each succeeding section of printed bill be numbered one number higher. Adopted.

Senator Moore offered the following amendment as a substitute for the fourth section: Section 4. That the sale of said lands shall be made at a price not less than the price set on the land by the persons appointed, and to value the land aforesaid, giving preference in all cases to actual settlers on the same. Adopted.

Senator Ireland offered the following amendment: Amend section twenty-one by adding: "*Provided*, that no affidavit shall be necessary as a preliminary to the institution of such proceedings." Adopted.

Senator Moore offered the following amendment: Strike out section ten and eleven, and the words, "lease or rent," in third line, of the twelfth section, and wherever they occur in succeeding sections. Lost.

Senator Moore offered the following amendment: Strike out in section two, line three, the word "sixty," and add in fourth line, after the word "hundred," the words "and sixty." Adopted.

Senator Moore offered the following amendment: Strike out in section second, the words "to suit purchasers." Adopted.

Senator Moore offered the following amendment: Amend section three, in ninth line, by adding after the word "valuation," the words "where said improvements have not been on said land more than five years." Lost.

Senator Friend offered the following resolution:

Resolved, That the bill together with the amendments as adopted, be referred to the Judiciary Committee, with instructions to

report a bill in conformity to the original bill and adopted amendments." Lost.

The question being on the engrossment of the bill, it was ordered engrossed by the following vote:

Yeas—Senators Addison, Ball, Baker, Bradley, Camp, Davenport, Dwyer, Ellis, Erath, Flanagan, Friend, Ireland, Ledbetter, Moore, Russell, Stirman, Swift, Trolinger, Westfall and Wood—20.

Nays—Senators Burton, Dillard and Parker—3.

Senator Ball moved that the rules be suspended and bill be read third time. Carried.

Rules suspended, bill read third time and passed.

On motion of Senator Erath, the Senate adjourned to 3 P. M.

AFTERNOON SESSION.

The Senate met pursuant to adjournment. Roll called; no quorum present.

The sergeant-at-arms was dispatched for absent Senators.

A quorum was announced as being present.

Senator Ellis moved that the Senate do now adjourn to 10 A. M. to-morrow. Lost.

Senator Wood moved to adjourn till 10 A. M. to-morrow. Carried.

IN COURT.

The President of the Court announced that on the adjournment of the Court on yesterday, that the pending business was the reply of the respondent—the closing argument.

Mr. Epperson, of the board of managers, submitted in writing the following request:

The committee of managers ask that they be permitted to read further authority in rebuttal of the position taken by respondent, to the effect that a judge could only be impeached for an offense made indictable by statutes. SIMPSON, for Managers.

Granted.

Mr. Epperson then proceeded to read from the authorities spoken of.

The respondent then addressed the court.

At the expiration of the allotted time—one hour—the President informed him, the respondent, that his time was out, but suggested that the respondent would be allowed to continue for twenty-five minutes.

The respondent then resumed his argument.

At the expiration of his argument, the question recurred as to whether the demurrer filed and argued by the respondent should be overruled.

The President stated that the subject would be decided by the court with closed doors.

The sergeant-at arms was then ordered to clear the chamber of spectators, which was done.

The doors of the Senate chamber were thrown open, and the President instructed the sergeant-at-arms to invite the board of managers back within the bar of the Senate.

The board of managers returned within the bar of the Senate.

Senator Ellis offered the following: "It is ordered by the court, that the respondent's demurrer to the articles of impeachment, preferred against him in this case, be and the same is hereby overruled."

Adopted by the following vote:

Yeas--Senators Allison, Ball, Bradley, Camp, Davenport, Dillard, Dwyer, Ellis, Erath, Friend, Hobby, Ireland, Ledbetter, Moore, Parker, Russell, Stirman, Swift, Trolinger, Westfall, and Wood--21.

Nays--Senators Burton and Randle--2.

Senator Baker was excused from voting, on the ground that he was unprepared to vote on the question, having just arrived from home, and consequently had heard but little of the argument in said case.

The President desired to know of the respondent, who was present at the taking of the vote on the demurrer, what action he desired to take.

Respondent stated that he desired to file his answer.

Leave granted, and the respondent submitted the following answer:

The House of Representatives of the State of Texas *et al.*, v. Wm. Chambers, judge of the First Judicial District of the State of Texas:

Now comes Wm. Chambers, respondent, in his own proper person, and for answer to the articles of impeachment, says: That he is not guilty of any high crime or misdemeanor, as in and by the said articles, each and all of them, is alleged; and this he prays may be inquired of by this honorable court, in such manner as law and justice shall seem to them to require.

WM. CHAMBERS.

On motion of Senator Ball, the Court of Impeachment adjourned to 10 A. M. tomorrow.

FORTY-SECOND DAY

SENATE CHAMBER, /
AUSTIN, March 5, 1874. A

Senate met pursuant to adjournment. Roll called; quorum present.

Prayer by the chaplain.

Journal of yesterday read, corrected and adopted.

On motion of Senator Friend, Senator Ellis was excused for one week from tomorrow.

A message was received from the House, announcing the passage by that body of the following bills: House bill No. 26, "An act regulating the emancipation of minors;"

House bill No. 113, "An act making an appropriation to defray the traveling and other contingent expenses of the Adjutant General in collecting the State arms;" House bill No. 198, "An act making an appropriation to buy postage stamps for the Superintendent of Public Instruction."

Senator Westfall, for Committee on Enrolled Bills, submitted the following report: Hon. R. B. Hubbard, *President of the Senate*:

Your Committee on Enrolled Bills ask leave to report that they have carefully examined Senate bill No. 163, "An act to define the Tenth Judicial District of the State of Texas, and to provide the times for the holding of the courts therein, and to attach the county of Rockwall to the Fourteenth Judicial District," and find the same correctly enrolled, and have this day at 9:50 A. M. presented the same to the Governor for his approval.

W. H. WESTFALL, for Committee.

The hour having arrived for the meeting of the high court of impeachment, the Senate resolved itself into said court.

IN COURT.

The sergeant-at-arms made the usual proclamation.

The Secretary of the Senate was instructed to inform the House that the court was now in session, and to invite the board of managers thereof within the bar of the Senate.

The secretary returned and notified the President that he had obeyed the said instructions.

The sergeant-at-arms announced the board of managers, who were invited by the President within the bar of the Senate.

The respondent came forward and took a seat within the bar of the Senate.

The managers announced "ready for trial," and stated that they would take up the different specifications in the articles of impeachment *seriatim*.

The first and second articles of impeachment were then read by the secretary.

The board of managers then introduced Robert H. Leonard, of Jefferson county, who took the stand, and was examined by the board of managers and respondent.

At the close of the examination of the above witness, G. W. O'Brien, of Jefferson county, was called to the stand.

Senator Wood stated that he did not see the necessity of reading each specification *seriatim*, and moved that witnesses be examined on any one or all of the specifications, at any time during the examination of witnesses. Adopted.

At the close of the examination of the said witness, Senator Erath moved that the court adjourn to 3 P. M. Carried.

IN SENATE.

A message was received from the House, announcing the passage of the following